

REMARKS

By this amendment, claims 1, 2, 4-9, 13, 15, 18-25 are pending, with claims 1, 19, 22 and 25 being independent. New independent claim 19 incorporates the allowable subject matter of claim 3 with original claim 1. Therefore, claim 19 and those claims depending directly or indirectly from claim 19 are respectfully submitted to be allowable. Claims 1 and 2 have been amended to more particularly specify the claimed invention. New independent claims 22 and 23 those claims depending respectively therefrom are directed to other patentable aspects, which Applicants submit are clearly distinguishable over the prior art of record. Claims 4, 5, 6, 7, 8, 9, 13, 15, 18, have been amended to change their dependencies and/or to recite other features. No new matter is added. Applicants request reconsideration in view of the amendments and following remarks.

Allowable Subject Matter

Applicants appreciate the indication that claims 3-5 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, new independent claim 19 incorporates allowable subject matter of claim 3 with original claim 1. Applicants submit that claim 19 and those claims depending directly or indirectly therefrom are now clearly allowable.

Furthermore, Applicants submit that all the claims are allowable for reasons set forth below.

Rejections Under 35 U.S.C. § 112

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is respectfully traversed. In view of the amendment to claim 1, this rejection has been rendered moot. The 35 U.S.C. § 112, second paragraph, rejection should now be withdrawn.

Rejection Under 35 U.S.C. § 103

Claims 1-2 and 6-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakano (U.S. Patent No. 6,006,800) in view of Mezei (U.S. Patent No. 4,586,546). The rejection is respectfully traversed.

Amended independent claim 1 recites, in part:

 a first determining unit that determines an arrangement of dispensing tips to be set at the holding portions of the first and second dispensing tip containers based on the input information,

 a display that indicates the arrangement of the dispensing tips to be set at the holding portions and the arrangement of the reagent to be stored at the reagent container portions.

Nakano is directed to a liquid handling system comprising a dispensing tip container 2 having holding portions for holding dispensing tips 44 and a dispensing head 21 for attaching the dispensing tips 44. The dispensing head sucks and dispenses liquid from the dispensing tips 44. The system also

comprises a moving means 11 for moving dispensing head 21, and a reagent container 3.

Mezei discloses an automatic liquid handling device 10 that comprises a control unit 26 that controls operation of the device 10 by acting as a pulse generator to control sequential movements of motors 20, 30 and 52 (col. 5, ll. 5-12). The device 10 calculates a final liquid volume and final liquid volume level for each receptacle being dispensed based on "start" liquid volume in a receptacle and the "handled" volume (i.e., volume being withdrawn or dispensed into a particular receptacle) (col. 5, ll. 53-66). The final liquid volume level is used to calculate a final tip position – that is, the position at which the tip's lower end is on the meniscus; the location of the tip position is related to the volume of liquid in the receptacle (col. 6, ll. 4-35).

However, neither Nakano nor Mezei, whether taken alone or in combination discloses or suggests all the limitations of claim 1, including:

- a first determining unit that determines an arrangement of dispensing tips to be set at the holding portions of the first and second dispensing tip containers based on the input information,

- a display that indicates the arrangement of the dispensing tips to be set at the holding portions and the arrangement of the reagent to be stored at the reagent container portions.

For at least these reasons, Applicants respectfully submit that the 35 U.S.C. 103(a) rejection should now be withdrawn. Furthermore, none of the other references of record disclose or suggest these limitations, either singly or in combination.

Moreover a rejection under 35 U.S.C. § 103 based on obviousness cannot be properly maintained without the proper motivation to combine the elements. Here the applied references fail to provide any motivation that would lead one of ordinary skill in the art to combine the references in a manner set forth in the Official Action. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 103.

New Independent claim 22

New independent claim 22 recites, in part, a first reagent container and a second reagent container. Each of the first and second reagent containers having a plurality of container portions arranged side-by-side wherein the plurality of container portions of the first reagent container extends in a direction of rows and the plurality of container portions of the second reagent container extends in a direction of columns. Claim 22 further recites a determining section that determines an arrangement of the reagent to be stored at the container portions of the first and the second reagent containers based on the input information. Also, claim 22 recites a display for indicating the arrangement of the reagent to be stored at the container portions. The above features of claim 22 are not disclosed or suggested in any of the references of record.

CONCLUSION

In view of the foregoing remarks, Applicants submit that all of the claims are clearly distinguished over the art of record and are in condition for allowance. Prompt and favorable consideration is requested.

Applicants believe that no extensions of time are required at this time. However, if extensions of time are necessary to prevent abandonment of this application, such extensions of time are hereby petitioned for under 37 C.F.R. §1.136(a), and any fees required therefore to properly maintain this application as pending (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 23-1951. Further, please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,



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